

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MARIO H. CAPOGROSSO,

Plaintiff,

-against-

ALAN GELBSTEIN, *in his individual capacity*, IDA  
TRASCHEN, *in her individual capacity*, DANIELLE  
CALVO, *in her individual capacity*, SADIQ TAHIR,  
*in his individual capacity*, PEC GROUP  
OF NY, INC., DAVID SMART, and DMV  
COMMISSIONER MARK SCHROEDER,  
*in his official capacity*,

Defendants.  
-----X

**BLOOM, United States Magistrate Judge:**

*Pro se* defendant David Smart requests *pro bono* counsel. ECF No. 143. There is no right to counsel in a civil case. Guggenheim Capital, LLC v. Birnbaum, 722 F.3d 444, 453 (2d Cir. 2013). The Court cannot compel an attorney to represent a litigant in a civil case without a fee. Mallard v. U.S. Dist. Court, 490 U.S. 296 (1989). Although the Court would prefer all parties to have access to counsel, there is no right to counsel. Accordingly, defendant's request for *pro bono* counsel is denied without prejudice.

Defendant Smart may contact The Federal Pro Se Legal Assistance Project, a free, limited-scope legal assistance clinic operated by the City Bar Justice Center of the New York City Bar Association. A copy of the City Bar Justice Center's flyer is included with this Order.

SO ORDERED.

Date: December 2, 2020  
Brooklyn, New York

\_\_\_\_\_  
/S/  
LOIS BLOOM  
United States Magistrate Judge